

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-219V

Filed: March 23, 2016

UNPUBLISHED

ALLENE LARSON,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Tetanus, diphtheria, acellular pertussis
("Tdap"); Shoulder Injury ("SIRVA");
Special Processing Unit ("SPU")

John Robert Howie, Jr., Howie Law, P.C., Dallas, TX, for petitioner.

Lara Ann Englund, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On February 12, 2016, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act"). Petitioner alleges that she experienced a shoulder injury related to vaccine administration ("SIRVA") following receipt of her August 15, 2014 Tetanus, diphtheria and acellular pertussis ("Tdap") vaccination. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 22, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent "opines that petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration (SIRVA)" and further "agrees that petitioner's SIRVA was caused-in-fact by the Tdap vaccination administered in her left arm on August 15, 2014." *Id.* at 3. Respondent additionally agrees that no other cause

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

of petitioner's SIRVA has been identified, that the statutory six month sequela requirement has been satisfied, and that petitioner has satisfied all legal prerequisites for compensation under the Vaccine Act. *Id.*

In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master